

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

OCT 13 2016

for the

District of New Mexico

MATTHEW J. DYKMAN
CLERK

United States of America)

v.)

HOWARD FRANCIS)
YOB: 1964)

Case No. 16mj3782

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 11, 2016 in the county of Cibola in the
State District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 USC 1153, 113(a)(8)

The defendant Howard Francis, an Indian, did commit an assault of an intimate partner by strangling, by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of a person by applying pressure to the throat or neck, regardless of whether there is any intent to kill or protractedly injure the victim

This criminal complaint is based on these facts:

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

☒ Continued on the attached sheet.

Complainant's signature

RoAnna Bennett, Special Agent

Printed name and title

Sworn to before me and signed in my presence.


Date:

10/13/16

City and state:

Albuquerque, NM

Judge's signature


Steven C. Yarbrough

Printed name and title

US Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)

VS.)

) Case No: _____

HOWARD FRANCIS (YOB: 1964)

AFFIDAVIT

1. I, RoAnna Bennett have been a Law Enforcement Officer for 16 years and have performed law enforcement duties as a Military Police Officer, Military Police Investigator, Criminal Investigator, Special Agent, while employed with the United States Army. I am employed with the Bureau of Indian Affairs, Office of Justice Services and am currently a Special Agent. My primary duties as a Special Agent are to investigate major criminal offenses, which occur within the exterior boundaries of the Indian reservations to which I am assigned. Assault investigations are one of my responsibilities. The information set forth in this affidavit is known to me as a result of my own investigation or has been communicated to me by other law enforcement officers, agencies or agents.

2 Because this affidavit is being submitted for the purpose of securing a Warrant for Arrest, I have not included each and every fact known to me concerning this investigation. I have set forth facts I believe are necessary to establish probable cause to arrest HOWARD FRANCIS (YOB: 1964) for the Assault by Strangulation or Suffocation of JANE DOE (YOB: 1992), an intimate partner, in violation of Title 18, United States Code, Sections 1153, 113(a)(8). HOWARD FRANCIS will be referred to as FRANCIS throughout this affidavit.

3. On October 11, 2016, at approximately 6:33 a.m., the Laguna Tribal Police Department was notified of an assault by the victim, JANE DOE. JANE DOE was interviewed and stated she was physically assaulted and strangled by her intimate partner on Tuesday, October 11, 2016, at approximately 6:00 a.m. She was assaulted by FRANCIS. JANE DOE and FRANCIS were lying in bed and without cause FRANCIS demanded to see JANE DOE's cellular phone to ascertain any existence of communication between JANE DOE and other males via voice calls and/or text messages. JANE DOE declined, which angered FRANCIS further. FRANCIS grabbed JANE DOE's hair and hit her in the face with a closed fist and a struggle ensued. JANE DOE was able to get up and attempted to leave the room and as she reached the door, FRANCIS grabbed her hair again and dragged her back to the bed. FRANCIS straddled JANE DOE and placed his forearms across JANE DOE's neck/throat pinning her to the bed and making it difficult for her to breathe. JANE DOE stated FRANCIS released her, grabbed a pillow, placed it over JANE DOE's face and attempted to suffocate her. JANE DOE continued to struggle against FRANCIS, who eventually lifted the pillow and demanded JANE DOE's cellular phone. JANE DOE stated her phone was in another room. FRANCIS got off of JANE DOE to retrieve the phone and allowed for JANE DOE to escape the residence to seek assistance.

4. On October 11, 2016, at about 7:00 am, the Bureau of Indian Affairs, Office of Justice Services, Laguna Agency Special Agent (SA) ROANNA BENNETT received information about the assault from SA David Clendenin, Laguna Criminal Investigation Bureau (CIB), Pueblo of Laguna, State of New Mexico. SA Bennett initiated an investigation into the alleged assault.

5. On October 11, 2016, SA Bennett interviewed JANE DOE at the Laguna Police Department. JANE DOE stated she and FRANCIS have been seeing each other for about 4 months and are intimate partners. At the time of the incident FRANCIS became irate as he felt JANE DOE was not giving him the attention he wanted from her. As they were lying in bed, FRANCIS “jumped” on top of JANE DOE straddling her body demanding to know why she was ignoring him. JANE DOE told FRANCIS she wanted to go to sleep. FRANCIS placed both forearms on her neck/throat and applied pressure. FRANCIS used his weight to put enough pressure to cause pain and make it difficult for JANE DOE to breathe. FRANCIS maintained the pressure for approximately 5-7 minutes. JANE DOE struggled to get FRANCIS’ forearms off her throat and told him to “stop”. FRANCIS eventually removed his forearms and grabbed a pillow and attempted to place it over JANE DOE’s face to suffocate her. JANE DOE continued to struggle and at some point, FRANCIS struck JANE DOE multiple times with a closed fist on her face and left side of her body. FRANCIS got off of JANE DOE to find her cellular phone. FRANCIS told JANE DOE to leave and as she walked toward the door, FRANCIS grabbed her hair and pulled her back to the bed. FRANCIS asked for JANE DOE’s phone again and as he searched for it, JANE DOE escaped and ran out of the house.

6. SA Bennett visually saw injuries on JANE DOE’s face, throat, and body. The injuries were photographed.

7. On October 12, 2016, SA Bennett contacted a Clinical Coordinator, Albuquerque Sexual Assault Nurse Examiner (SANE), who verified the injuries sustained to JANE DOE as a result of the incident. JANE DOE had bruising and red a

red mark to the right side of her neck, red petechiae to her forehead and right cheek. The official report is pending. In addition to sexual assaults, SANE is a resource to identify injuries sustained during domestic violence and documents strangulation related injuries.

8. The victim is JANE DOE, a Native American female and is an enrolled tribal member of the Navajo Indian Tribe.

9. The suspect is HOWARD FRANCIS, a Native American male and is an enrolled tribal member of the Laguna Pueblo, State of New Mexico.

10. The assault occurred inside a residence located at #06 Pond Drive, Laguna, New Mexico. This residence is located in Cibola County, State of New Mexico and is within the exterior boundaries of the Pueblo of Laguna Indian Reservation, State of New Mexico.

11. Attempts to locate FRANCIS have been unsuccessful. Efforts to locate him are ongoing.

12. Based on the above mentioned facts, known to me concerning this investigation, the Affiant believes probable cause exist to arrest HOWARD FRANCIS for the crime of Assault Resulting in Serious Bodily Injury, in violation of Title 18, United States Code, Sections 1153 & 113(a)(8). HOWARD FRANCIS did commit an assault, by Strangulation or Suffocation, of JANE DOE (YOB: 1992), an intimate partner.

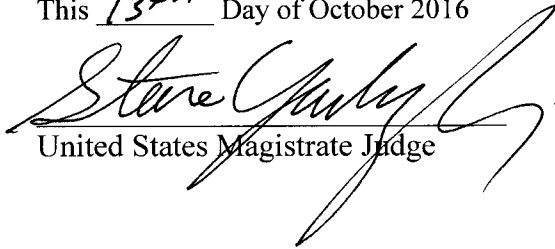
A review of the criminal complaint was made by Assistant United States Attorney Novaline Wilson, State and District of New Mexico

I swear this information is the truth to the best of my knowledge and belief.



RoAnna Bennett
Special Agent
BIA/OJS Laguna Agency

Subscribed and Sworn to before me
This 13th Day of October 2016


United States Magistrate Judge